

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR 2000-090114

09/30/2010

HON. ROLAND J. STEINLE

CLERK OF THE COURT
A. Beery/L. Rubalcaba
Deputy

STATE OF ARIZONA

PATRICIA L STEVENS
RYAN PATRICK GREEN

v.

FABIO EVELIO GOMEZ (A)

HERMAN ALCANTAR JR.
CHRISTOPHER A FLORES

CAPITAL CASE MANAGER
CITS - SE SPANISH
VICTIM SERVICES DIV-CA-SE

**AGGRAVATION
PENALTY PHASE
JURY TRIAL
DAY TWELVE (12)**

State's Attorney:	Patricia Stevens and Ryan Green
Defendant's Attorney:	Herman Alcantar and Christopher Flores
Defendant:	Not Present
Court Reporter:	Janell Rose

10:20 a.m. Trial to a jury continues from September 29, 2010. Defendant has waived his presence for this proceeding.

The jury is present.

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The jury is instructed by the Court as to the law applicable to this cause.

FILED: Final Jury Instructions Aggravation Phase

Closing arguments.

11:30 a.m. Court stands at recess.

11:40 a.m. Court reconvenes with respective counsel present. The jury is not present.

Court Reporter, Janell Rose, is present.

Counsel are advised of a conversation Juror #3 had with the bailiff.

Juror #3 is now present and is questioned by the Court.

Juror #3 leaves the courtroom.

The Court puts on the record the order of alternate jurors to be selected by lot.

11:50 a.m. The jury is now present.

Closing arguments continue.

Juror numbers 16, 12, 4 and 6 are designated by lot as alternate jurors and excused from further consideration of this cause.

12:30 p.m. Jury retires in charge of sworn bailiffs to consider their verdicts.

3:52 p.m. The Court reconvenes with respective Counsel. The defendant has waived his presence for this proceeding.

Court reporter, Brenda Brown, is present.

The jury is all present in the jury box and by their Foreperson return into Court their verdict, which is read and recorded by the Clerk and is as follows:

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We, the Jury, duly empanelled and sworn in the above-entitled action, do upon our oaths unanimously find beyond a reasonable doubt the following aggravating circumstance as shown:

The Defendant committed the offense in an especially cruel manner.

☒ Proven beyond a reasonable doubt
☐ Not Proven

The jurors reply that this is their true verdict.

The jury is polled at the request of the Court. Each juror replies that this is his/her true verdict.

FILED: Verdict

3:55 p.m. The jury is excused until 10:30 a.m. October 4, 2010, at which time the penalty phase of the Trial will begin.

Juror #9 addresses the Court in regards to being dismissed from his job. Juror #9 is excused until 10:30 a.m. October 4, 2010.

Court and Counsel discuss the Trial schedule.

4:09 p.m. The Court stands at recess.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>